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STATE COUNCIL OF CIVIL DEFENSE
MAIN CAPITOL BUILDING
HARRISBURG, PENNSYLVANIA

August 10, 1955

INFORMATION CIRCULAR NO. 63

IMMEDIATE RELEASE

AUGUST 1955 LEGISLATIVE REPORT

1. The following summary of essential facts concerning 1955 civil defense legislation, both State and federal, is presented for the information of all County and Local Civil Defense Directors.

A. STATE LEGISLATION

2. House Bill No. 1739, jointly introduced by Majority Leader Readinger and Minority Leader Smith and referred to the Committee on Rules on August 3, 1955, carries the endorsement of the State Council of Civil Defense. It provides for the following amendments to the State Council of Civil Defense Act of 1951, P.L. 28:

(i) Section 2 of the Act is amended by addition of the underlined wording incorporated below.

Section 2. Establishment of State Council of Civil Defense. -- The Governor is hereby authorized and empowered in time of emergency or public need in the nation or the State to create, by proclamation, a State Council of Civil Defense, hereinafter designated as the "Council," for the general purpose of assisting in the coordination of the State and local activities related to national and State civil defense and natural disasters. Whenever he deems it expedient, the Governor may, by proclamation, dissolve or suspend such Council or re-establish it after any such dissolution or suspension.

The purpose of this amendment is to grant the State Council of Civil Defense legal authority to provide essential assistance in hurricanes, floods, fires, explosions and other so-called "natural disasters".

The advantage of the amendment lies in the fact that its enactment would provide for the most effective possible use, at minimum cost, of all resources required to protect life and property in "natural disasters" (see item iii, below).

(ii) Subsection (a) of Section 3 of the Act is amended by addition of the underlined wording incorporated below.

Section 3. Organization of Council.--(a) The Council shall consist of the Governor, ex officio, the Lieutenant-Governor, the Adjutant General, the Auditor General, the Secretary of Internal Affairs, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Minority Leader of the Senate, the Minority Leader of the House of Representatives, their respective successors in office, and five citizens of Pennsylvania to be appointed by the Governor. The speaker of the House of Representatives, the President Pro Tempore of the Senate, the Minority Leader of the Senate and the Minority Leader of the House of Representatives may authorize a member of their respective branches of the General Assembly to serve in their stead on said Council. The Council shall elect a chairman from the membership and five members of the Council shall constitute a quorum. The terms of the members appointed by the Governor shall expire with the terms of the Governor appointing them.

* * *

The primary purpose of this amendment is to provide added assurance of the "continuity of State Government" during periods of extreme emergency. During such periods, the State Council of Civil Defense, composed of key Commonwealth Officials, Members of the General Assembly and persons appointed by the Governor, may temporarily have to function, in large measure, as the "Commonwealth Government". For this reason, it is believed that the Lieutenant-Governor properly should be a Member of the Council.

The advantage of the amendment lies in the fact that its enactment would provide added assurance of the "continuity of State Government" during periods of extreme emergency.

(iii) Section 4 of the Act is amended by adding the two underlined subsections appearing below.

Section 4. Powers and Duties.--The Council shall have the following powers and duties:

* * *

(l) To take appropriate action, in the event of earthquake, hurricane, flood, fire, explosion or other natural disaster or catastrophe, for the protection of life and property:

(m) To accept and coordinate assistance provided by Federal agencies in major disasters in accordance with the provisions of Public Law 875, Eighty-first Congress, approved September 30, 1950, 42 U.S.C. 1855ff, or any amendment or reenactment thereof.

The purpose of this amendment is both to define the powers and duties of the Council as related to so-called "natural disasters" and to provide legal authority to accept such federal assistance as may be made available in "major disasters" under Public Law 875, Eighty-first Congress.

The advantages of the amendment lie in the fact that its enactment would provide not only for the wisest possible use of resources in time of disaster (see item i, above), but also legal authority to accept federal assistance which may be made available in "major disasters".

(iv) The Act is further amended by adding, after Section 12, the new underlined section appearing below.

Section 12.1. Compensation for Accidental Injury.--All duly enrolled civil defense volunteers who are not eligible to receive benefits under the Workmen's Compensation Law shall be entitled, except during a state of war or period of armed conflict within the continental limits of the United States, to the following benefits relating to injuries sustained while actually engaged in civil defense or disaster training activities or in or en route to and from civil defense or disaster tests or operations authorized by the Council and carried out in accordance with rules and orders promulgated and adopted by the Council:

(a) A sum of fifteen hundred dollars (\$1,500.00) for accidental injury directly causing or leading to death:

(b) A sum not to exceed seven hundred fifty dollars (\$750.00) for reimbursement for medical and hospital expenses associated with accidental injury; and

(c) Weekly payments of twenty-five dollars (\$25.00), beginning on the eighty day of disability and continuing for not more than twenty-six weeks, for disability directly arising from accidental injury rendering the individual totally incapable of following his normal gainful pursuits.

All benefits hereby authorized shall be paid out of funds appropriated to the Council. Payments shall be made on the basis of claims submitted to the Council through the Bureau of Workmen's Compensation of the Department of Labor and Industry, in accordance with rules and orders promulgated and adopted by the Council.

The purpose of this amendment is to provide those civil defense volunteers who are not eligible to receive benefits under the provisions of the Workmen's Compensation Law with certain benefits for accidental injuries sustained while actually engaged (a) in civil defense or disaster training, or (b) in or en route to or from civil defense or disaster tests or operations, either or both as authorized by the State Council of Civil Defense and carried out in accordance with rules and orders promulgated and adopted by the Council.

Special attention is called to the fact that the amendment specifically excludes the payment of benefits "during a state of war or period of armed conflict within the continental limits of the United States." This provision was incorporated primarily because it is believed that the payment of accident benefits under such conditions is properly a responsibility of the Federal Government and, secondarily, because it is entirely possible that the Commonwealth might be financially unable to make payment on all claims filed under such conditions.

While it might be assumed that the suggested amendment preferably should be in the form of one which would "place all civil defense volunteers under the Workmen's Compensation Law", such action appears to be financially unwise. For example, the December 31, 1954 reports filed by County Offices of Civil Defense indicate that there are approximately 400,000 men and women enrolled in county and local civil defense organizations throughout the Commonwealth. While some of these individuals undoubtedly are entitled to receive benefits under the Compensation Law, because of the fact that they receive at least some remuneration from local governments, the great majority are not eligible for such benefits. The total estimated cost of "covering" the latter group, either through commercial companies or through the State Fund, would run from \$400,000.00 to \$600,000.00 per year. This expense, of course, would have to be borne either by the Commonwealth or its political subdivisions, or jointly by both.

On the other hand, faced with much the same situation as that outlined immediately above, the State of New Jersey enacted, roughly four years ago, accident compensation legislation basically similar to the suggested amendment. To date, the total cost of payments, including administration, made under the New Jersey Statute has run only \$4,000.00 per year. Unlike the cost of coverage under the Workmen's Compensation Law, estimated expenses comparable to those incurred in New Jersey can be met without the necessity for increasing the 1955-57 Budget Request of the State Council of Civil Defense.

The primary advantage of the amendment lies in the fact that its enactment would enable the Commonwealth to assume the full moral obligation (i.e. providing some measure of accident compensation) incurred in requesting, or directing, civil defense volunteers actively to participate in civil defense and disaster training, tests and operations. In addition, its enactment would materially strengthen the statewide civil defense program by stimulating recruitment and encouraging participation in training, tests and emergency operations.

(Note: House Bill No. 1739 covers all legislation which the State Council of Civil Defense presently plans to have introduced into the current Session of the General Assembly.)

3. House Bill No. 157, introduced by Mr. Toomey and referred to the Committee on Workmen's Compensation, would entitle all civil defense volunteers to benefits prescribed under the Workmen's Compensation Law and would make the various political subdivisions responsible for paying the costs of coverage of volunteers enrolled in their respective organizations. (See Paragraph 2, item iv, above, for general information concerning costs of coverage.)

4. House Bill No. 686, introduced by Mr. Naugle, was referred to the Committee on Workmen's Compensation on March 22, 1955. This bill also would "place civil defense volunteers under the Workmen's Compensation Law", but would make the State Council of Civil Defense responsible for paying the costs of coverage. (See Paragraph 2, item iv, above, for general information concerning costs of coverage.)

5. House Bill No. 949, introduced by Messrs. Whitenight and Curwood, was referred to the Committee on Education on April 27, 1955. This bill would make first aid a required course of instruction in all high schools "for the purpose of training and increasing the available supply of trained personnel for use in any program or activity undertaken pursuant to . . . the State Council of Civil Defense Act of 1951." While the State Council of Civil Defense is officially on record as favoring the teaching of first aid in schools, the Council has suggested that consideration be given amending House Bill No. 949 by (a) requiring high school training either in first aid or in home nursing, rather than in first aid only, and (b) making the Superintendent of Public Instruction, or the Superintendent and the Secretary of Health, responsible for prescribing the course of instruction and the texts to be used, rather than specifying the latter by law.

6. The four House Bills listed above (Nos. 1739, 157, 686, and 949) are the only bills relating primarily to civil defense which have to date been introduced into the current Session of the General Assembly.

B. FEDERAL LEGISLATION

7. The principal federal legislation of primary interest to County and Local Civil Defense Directors is that designed to make surplus federal property directly available to state, county and local civil defense organizations. This was covered by two "Administration Bills", namely, Senate 1527 and House 4660. Both were introduced early in the past Session and were referred to the respective Committees on Government Operations. When it became obvious that both bills were apparently destined to "die in committee", the National Association of State and Territorial Civil Defense Directors, with the support of the United States Civil Defense Council and other interested groups and individuals, took action designed to "revive" the bills and secure their enactment. As a result of this effort, in which many Pennsylvania civil defense and local government officials lent a hand, House Bill No. 7227, basically similar to House No. 4660, was unanimously passed by the House on July 29 and sent to the Senate. It proved impossible, however, to secure Senate Committee action on House 7227 prior to the time Congress adjourned. In view of this fact, further attempts to have the legislation enacted will be made when the Congress reconvenes in January.

C. ADDITIONAL REPORTS

8. All County and Local Civil Defense Directors will be kept informed of significant future developments in the legislative field, by means of additional periodic reports on the subject.

Richard Gerstell

Richard Gerstell
Director of Civil Defense



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IMPORTANT NOTICE CONCERNING TYPOGRAPHICAL ERROR IN PREVIOUS CIRCULAR:

Information Circular No. 63, dated August 10, 1955, contains the following typographical error on the second line of subsection (c), under item (iv), near the bottom of page 2:

At the point referred to, the circular reads, ".... the eighty day of disability and"

At the point in question, all copies should read, ".... the eighth day of disability and...."

All copies of the circular should be corrected by substituting the word "eighth" for the word "eighty" at the point in question.

August 15, 1955

